

REMARKS

Claims 1, 3, 5-13, 15-18 and 20 remain in the case. Claims 2, 4, 14 and 19 are canceled herein. Reconsideration on the basis of the above amendments and remarks below is kindly requested.

Claims 1-17 were rejected under 35 U.S.C. 112, first paragraph, and claims 1-18 were rejected under 35 U.S.C. 112, second paragraph, due to use of the word "alignment" in referring to the position of the first and second shaft members.

The term "**alignment**" has been changed to "**relative position**."

Claim 18 was rejected under 35 U.S.C. 102 as being anticipated by Puzey. The Office Action did not give substantive grounds for the rejection of Claims 1-17. Therefore, it is not known by Applicant whether these claims are considered rejected. Nonetheless, Applicant offers the following comments.

Puzey provides a pivot 72 and associated bias spring 74 rearward of the steering structure. Empirical evidence has shown that this rearward placement of the pivot and spring is too far rearward in the device to achieve adequate downward tilt of the drive foil for successful driving of the device.

The present invention recognizes this deficiency and provides a pivot for the drive foil that is located forward in the device (within the steering structure). Placing this pivot (or like structure) forward in the device increases the potential tilt angle of the drive foil, thereby providing adequate drive for successful operation.

Regarding independent claim 1, the limitations of claims 2 and 4 have been inserted into this claim. The limitations of claim 1 as amended include:

"a steering structure" having "separate first and second steering shaft sections that are moveably coupled to one another, ... having a first relative position at rest and moving to a second relative position in response to a driving force; and a bias mechanism for biasing said first and second steering shaft sections into said first relative position"

Puzey does not disclose or suggest a steering structure that provides "moving to a second relative position in response to a driving force" or "a bias mechanism for biasing said first and second steering shaft sections into said first relative position." Spring 31 of Puzey does not act in a manner that affects the position (tilt angle) of the rear or drive foil.

Regarding independent claim 7, Puzey does not disclose (or suggest) a **steering structure** movable into a second relative position in which the second or "drive" foil is presented for driving the device forward. Neither pivot 22 or the unnumbered pivot next to it (in Puzey) move in such a manner as to place the drive foil in position for driving the device.

Regarding independent claim 12, the limitations of claim 14 has been inserted into this claims. The limitations of claim 12 are not disclosed (or suggested) by Puzey. The unnumbered pivot adjacent pivot 22 does not include a bias mechanism.

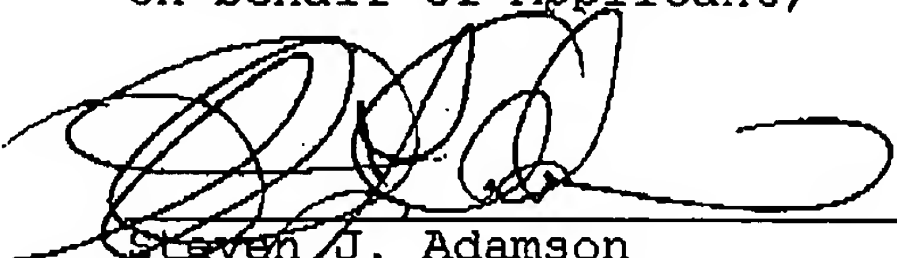
Regarding independent claim 18, the limitations of claims 19 and 20 have been inserted into this claim. The limitations of claim 18 are not disclosed (or suggested) by Puzey. For example, claim 18 provides movable shaft sections in the steering structure which define the center of movement of the drive foil. In Puzey, the center of movement of the driving foil is provided at pivot point 72.

In view of the foregoing Amendments and these Remarks, Applicant respectfully submits that Claims 1,3,5-13,15-18 and 20 are now in condition for allowance and early notification of same is respectfully requested. Should the Examiner believe that a telephone conference would help further the prosecution of this case, the Examiner is requested to contact the undersigned at the listed telephone number.

The Assistant Commissioner is hereby authorized to charge underpayment of any fees (including any filing fees under 37 C.F.R. \$1.16 for additional claims and any patent application processing fees under 37 C.F.R. \$1.17 including any fee for extension of time) associated with this communication or credit any overpayment to Deposit Account No. 01-0272. A duplicate copy of this authorization is enclosed.

Respectfully Submitted
on behalf of Applicant,

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